

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-10061-GAO

EVEDEN, INC.,
Plaintiff,

v.

THE NORTHERN ASSURANCE COMPANY OF AMERICA,
Defendant.

ORDER
February 7, 2012

O'TOOLE, D.J.

Defendant's Motion (dkt. no. 34) to Compel Answers to Interrogatories is GRANTED. Defendant initially served the plaintiff with these interrogatories in June 2010. The plaintiff refused to answer on the grounds that the contention interrogatories were premature and could not be answered until the completion of discovery. Contention interrogatories are a proper means to establish the factual and legal bases for the adverse party's claims. Ryan v. Mary Immaculate Queen Ctr., 188 F.3d 857, 860 (7th Cir. 1999). While it may sometimes be more appropriate to withhold answering them until a "substantial amount" of discovery has been completed, see McCarthy v. Paine Webber Group, Inc., 168 F.R.D. 448, 450 (D. Conn. 1996), here, discovery in the case has been ongoing since 2010. Documents have been produced and depositions have been taken. Discovery has been extended several times and the parties have discussed discovery at two separate status conferences. At this point, a "substantial amount" has been done and the defendant is entitled to the information that forms the basis for the plaintiff's claims. Answers are to be served within 28 days of the date of this order.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge